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AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY MAY 9, 2011  
AMENDED IN ASSEMBLY FEBRUARY 28, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 160**

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**Introduced by Assembly Member Portantino**

January 19, 2011

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*An act to amend Section 48800 of, and to add Section 48803 to, the Education Code, relating to public schools.*

LEGISLATIVE COUNSEL'S DIGEST

AB 160, as amended, Portantino. Concurrent enrollment in secondary school and community college.

(1) Existing law authorizes the governing board of a school district to allow pupils whom the district has determined would benefit from advanced scholastic or vocational work to attend community college as special part-time students, subject to parental permission. Existing law makes the authority of a school principal to recommend a pupil for community college summer session contingent upon a determination that the pupil meets various criteria and prohibits the principal from recommending more than 5% of the total number of pupils from any particular grade level who completed that grade immediately prior to the time of recommendation for summer session attendance, except as specified.

This bill would *authorize the governing board of a school district to authorize a pupil, upon the recommendation from a community college*

*dean of a career technical education department or other appropriate community college career technical education administrator, and with parental consent, to attend a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of career technical education offered at the community college.*

*The bill also would authorize the governing board of a community college district to enter into a formal partnership with a school district or school districts located within its immediate service area to allow secondary school pupils to attend a community college if those pupils have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the governing board of the school district, and if those pupils may benefit from advanced scholastic, career-technical, or vocational coursework. The bill would require the partnership agreement to outline the terms of the partnership, as specified. The bill would require, for each partnership entered into under the bill, the affected community college district and school district to file an annual report, containing specified data, with the Office of the Chancellor of the California Community Colleges.*

(2) Existing law requires the governing board of a community college district to assign a low enrollment priority to a pupil attending community college pursuant to a recommendation from his or her principal or school district or a petition from his or her parents, in order to ensure that these pupils, admitted as special students, do not displace regularly admitted students.

This bill would authorize the governing board of a community college district to assign an enrollment priority to students attending community college pursuant to a partnership agreement established under the bill.

The bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

1 (a) Campuses of the California Community Colleges are located  
2 throughout California and provide an educational resource for all  
3 communities.

4 (b) Existing law allows certain high school pupils to take classes  
5 at community colleges. These pupils are known as special-admits  
6 and the programs in which they participate are known as concurrent  
7 enrollment programs. The main target of these programs is  
8 advanced education and the work completed in them is primarily  
9 defined as college-level work.

10 (c) Existing law imposes strict limits on concurrent enrollment  
11 programs. Only 5 percent of the pupils in any high school class  
12 may enroll in a community college during summer sessions. In  
13 addition, the types of classes pupils may take pursuant to these  
14 programs are generally limited to advanced education classes.

15 (d) A serious abuse of concurrent enrollment programs by a few  
16 school districts and community college districts several years ago  
17 resulted in statutory reform and restrictions on this type of  
18 enrollment.

19 (e) The current restrictions inhibit the ability of school districts  
20 and their pupils to make maximum use of community college  
21 facilities and opportunities. The time has come to encourage and  
22 expand these valuable programs, but with appropriate statutory  
23 prohibitions to guard against a repeat of the abuses of the past.

24 (f) Allowing high school pupils to take community college  
25 courses could provide benefits to pupils and to the state in  
26 numerous ways, including more opportunities for advanced  
27 scholastic work, career-technical partnerships and coursework,  
28 basic skills remediation, preparation for the high school exit  
29 examination, English as a second language, and dropout prevention.

30 (g) Exposure to college classes and the college environment  
31 while in high school improves college participation rates.

32 (h) Concurrent enrollment saves money for both the state and  
33 the pupils and provides for more effective use of facilities.

34 *SEC. 2. Section 48800 of the Education Code is amended to*  
35 *read:*

36 48800. (a) The governing board of a school district may  
37 determine which pupils would benefit from advanced scholastic  
38 or vocational work. The intent of this section is to provide  
39 educational enrichment opportunities for a limited number of  
40 eligible pupils, rather than to reduce current course requirements

1 of elementary and secondary schools, and also to help ensure a  
2 smoother transition from high school to college for pupils by  
3 providing them with greater exposure to the collegiate atmosphere.  
4 The governing board may authorize those pupils, upon  
5 recommendation of the principal of the pupil's school of  
6 attendance, and with parental consent, to attend a community  
7 college during any session or term as special part-time or full-time  
8 students and to undertake one or more courses of instruction offered  
9 at the community college level.

10 (b) If the governing board denies a request for a special part-time  
11 or full-time enrollment at a community college for any session or  
12 term for a pupil who is identified as highly gifted, the governing  
13 board shall issue its written recommendation and the reasons for  
14 the denial within 60 days. The written recommendation and denial  
15 shall be issued at the next regularly scheduled board meeting that  
16 falls at least 30 days after the request has been submitted.

17 (c) *The governing board of a school district may authorize a*  
18 *pupil, upon the recommendation from a community college dean*  
19 *of a career technical education department or other appropriate*  
20 *community college career technical education administrator, and*  
21 *with parental consent, to attend a community college during any*  
22 *session or term as a special part-time or full-time student and to*  
23 *undertake one or more courses of career technical education*  
24 *offered at the community college.*

25 ~~(e)~~

26 (d) A pupil shall receive credit for community college courses  
27 that he or she completes at the level determined appropriate by the  
28 governing boards of the school district and community college  
29 district.

30 ~~(d)~~

31 (e) (1) The principal of a school may recommend a pupil for  
32 community college summer session only if that pupil meets all of  
33 the following criteria:

34 (A) Demonstrates adequate preparation in the discipline to be  
35 studied.

36 (B) Exhausts all opportunities to enroll in an equivalent course,  
37 if any, at his or her school of attendance.

38 (2) For any particular grade level, a principal shall not  
39 recommend for community college summer session attendance

1 more than 5 percent of the total number of pupils who completed  
2 that grade immediately prior to the time of recommendation.

3 (3) A high school pupil recommended by his or her principal  
4 for enrollment in a course shall not be included in the 5-percent  
5 limitation of pupils allowed to be recommended pursuant to  
6 paragraph (2) if the course in which the pupil is enrolled meets  
7 one of the criterion listed in subparagraphs (A) to (C), inclusive,  
8 and the high school principal who recommends the pupil for  
9 enrollment provides the Chancellor of the California Community  
10 Colleges, upon the request of that office, with the data required  
11 for purposes of paragraph (4).

12 (A) The course is a lower division, college-level course for  
13 credit that is designated as part of the Intersegmental General  
14 Education Transfer Curriculum or applies toward the general  
15 education breadth requirements of the California State University.

16 (B) The course is a college-level, occupational course for credit  
17 assigned a priority code of “A,” “B,” or “C,” pursuant to the  
18 Student Accountability Model, as defined by the Chancellor of the  
19 California Community Colleges and reported in the management  
20 information system, and the course is part of a sequence of  
21 vocational or career technical education courses leading to a degree  
22 or certificate in the subject area covered by the sequence.

23 (C) The course is necessary to assist a pupil who has not passed  
24 the California High School Exit Examination (CAHSEE), does  
25 not offer college credit in English language arts or mathematics,  
26 and the pupil meets both of the following requirements:

27 (i) The pupil is in his or her senior year of high school.

28 (ii) The pupil has completed all other graduation requirements  
29 prior to the end of his or her senior year, or will complete all  
30 remaining graduation requirements during a community college  
31 summer session, which he or she is recommended to enroll in,  
32 following his or her senior year of high school.

33 (4) On or before March 1 of each year, the Chancellor of the  
34 California Community Colleges shall report to the Department of  
35 Finance the number of pupils recommended pursuant to paragraph  
36 (3) who enroll in community college summer session courses and  
37 who receive a passing grade. The information in this report may  
38 be submitted with the report required by subdivision (c) of Section  
39 76002.

(5) The Board of Governors of the California Community Colleges shall not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.

(6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 of Title 2, compliance with this subdivision shall not be waived.

(e)

(f) Paragraphs (3), (4), and (5) of subdivision ~~(d)~~ (e) shall become inoperative on January 1, 2014.

~~SEC. 2.~~

SEC. 3. Section 48803 is added to the Education Code, to read:

48803. (a) (1) The governing board of a community college district may enter into a formal partnership with a school district or school districts located within its immediate service area in order to provide secondary school pupils who have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the governing board of the school district with the opportunity to benefit from advanced scholastic, career-technical, or vocational coursework. A secondary school pupil, upon notification of the principal of the pupil's school of attendance that the pupil has exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the governing board of the school district, and with parental consent if the pupil is under 18 years of age, may attend a community college during any session or term as a special part-time or full-time student.

(2) A participating community college district shall adopt a partnership agreement with each school district partner. The partnership agreement shall be approved by the governing board of the community college district and the governing board of the school district.

(3) (A) The partnership agreement shall outline the terms of the partnership and may include, but not necessarily be limited to, the scope, nature, and schedule of courses offered. The partnership agreement may establish protocols for information sharing and joint facilities use.

1 (B) A copy of the partnership agreement shall be filed with the  
2 department and with the Office of the Chancellor of the California  
3 Community Colleges before the start of a program authorized by  
4 this article.

5 (4) It is the intent of the Legislature, in enacting this section, to  
6 provide a smoother transition from high school to college for pupils  
7 by providing them with greater exposure to the collegiate  
8 atmosphere and to maximize the educational opportunities available  
9 to California's secondary school pupils by encouraging programs  
10 and partnerships between school districts and community college  
11 districts, including advanced scholastic, vocational, and  
12 career-technical coursework, summer school opportunities, and  
13 dropout intervention.

14 (5) A community college district shall not provide physical  
15 education course opportunities to secondary school pupils pursuant  
16 to this section.

17 (6) A pupil shall receive credit for community college courses  
18 that he or she completes at the level determined to be appropriate  
19 by the governing boards of the school district and the community  
20 college district pursuant to the partnership agreement as described  
21 in paragraph (2).

22 (b) (1) A community college district shall not receive a state  
23 allowance or apportionment for an instructional activity for which  
24 a school district has been, or shall be, paid an allowance or  
25 apportionment.

26 (2) The attendance of a pupil at a community college as a special  
27 part-time or full-time student pursuant to this section is authorized  
28 attendance for which the community college shall be credited or  
29 reimbursed pursuant to Section 48802 or 76002, provided that no  
30 school district has received reimbursement for the same  
31 instructional activity. Credit for courses completed shall be at the  
32 level determined to be appropriate by the governing boards of the  
33 school district and the community college district pursuant to the  
34 partnership agreement as described in paragraph (2) of subdivision  
35 (a).

36 (c) For purposes of this section, a special part-time student may  
37 enroll in up to, and including, 11 units per semester, or the  
38 equivalent thereof, at the community college he or she attends.

39 (d) Notwithstanding subdivision (e) of Section 76001, for  
40 purposes of this section, the governing board of a community

1 college district may assign an enrollment priority to pupils admitted  
2 as special part-time or full-time students under this section.

3 (e) Community college districts and school districts that enter  
4 into a partnership pursuant to this section shall be exempt from  
5 concurrent enrollment provisions pursuant to subdivisions (a) and  
6 (b) of, and paragraphs (1), (2), and (3) of subdivision (d) of, Section  
7 48800.

8 (f) (1) For each partnership entered into pursuant to this section,  
9 the affected community college district and school district shall  
10 report annually to the Office of the Chancellor of the California  
11 Community Colleges all of the following information:

12 (A) The total number of secondary school pupils enrolled in  
13 each program, classified by the school district.

14 (B) The total number of successful course completions of  
15 secondary school pupils enrolled in each program, classified by  
16 the school district.

17 (C) The total number of successful course completions of  
18 students in courses equivalent to those courses tracked under  
19 subparagraph (B) in the general community college curriculum.

20 (2) The annual report required by this subdivision shall be  
21 transmitted to all of the following:

22 (A) The Legislature.

23 (B) The Director of Finance.

24 (C) The Superintendent.

25 (D) The governing board of each participating community  
26 college district.

27 (E) The governing board of each participating school district.